

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
 )  
Ryoji NOMURA et al. )  
 )  
Serial No.: 10/590,568 )  
 )  
Filed: August 22, 2006 )  
 )  
For: Light Emitting Element And Light )  
Emitting Device Having The Light )  
Emitting Element )  
 )  
Examiner: Dawn L. Garrett )  
 )  
Art Unit: 1794 )  
 )  
Confirmation No.: 8574 )

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE C (AFTER FINAL)**

Applicants have the following response to the Final Rejection of August 26, 2009 and Advisory Action of December 3, 2009, a one month extension of time being submitted herewith.

**Claim Rejections – 35 USC §102**

In the Final Rejection, the Examiner rejects Clams 1-8 under 35 USC §103(a) as being unpatentable over Nomura et al. (US 2005/0225236). This rejection is respectfully traversed.

It is respectfully submitted that Nomura is not prior art to the present application.

More specifically, Nomura was published on October 13, 2005 based on a U.S. filing date of